What is Superfund?

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The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the Superfund Law, is a national program enacted by Congress in 1980. Superfund was created to pay for the cleanup of the country's worst waste disposal and hazardous substances spill sites that endangered human health and/or the environment.

The Act created a tax on chemical and petroleum businesses, and money collected from the tax went into a large trust fund named the "Superfund." In the first five years of the program, the federal government collected $1.6 billion in taxes from chemical and petroleum companies under CERCLA.

The U.S. Environmental Protection Agency (EPA) administers Superfund in cooperation with individual states. The Wisconsin Department of Natural Resources (DNR) coordinates Wisconsin's involvement in Superfund. In 1986, Congress reauthorized the law under the Superfund Amendments and Reauthorization Act (SARA), and increased the size of the fund from $1.6 billion to $8.5 billion. In 1995, the tax on chemical and petroleum businesses was allowed to expire. To date, Congress has not reauthorized the tax; instead, money from general tax revenue has been appropriated to fund the Superfund program.

Superfund requires that EPA identify responsible parties or contributors to the contamination. These groups or individuals are known as Potentially Responsible Parties (PRPs), and can include the owners and operators of the facility or property, persons who transported or arranged for waste to be taken to the contaminated site, and waste generators.

Federal agencies, state agencies and/or the PRPs may pay for investigation and cleanup at the site. The EPA can also attempt to recover any taxpayer dollars used for cleanup from the PRPs. Cost recovery can be done either voluntarily – through negotiated agreements – or by legal action started by EPA after cleanup at the site is complete.

Public Participation/Community Relations

With a Superfund site, the public often participates formally through input at public meetings and/or hearings, or by submitting comments on plans for investigation and cleanup of a site. The public may also be informed through newsletters, door-to-door contacts, direct mailings, telephone surveys or interviews with state/federal agency staff, and other means.

During the Superfund process, EPA and/or the state develops a community relations plan to help ensure that the public's concerns and community needs are met at a site. If the state is the lead for cleanup at a Superfund site, the state normally prepares the community relations plan, but may require PRPs to develop a community relations plan for state review and approval. The plan may include such activities and tools as public information meetings, personal interviews, newsletters and special distribution to local media.

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Remediation and Redevelopment Program

The Superfund Process

The Superfund process involves several steps after a potential site is initially identified.

1. Identification

After EPA or the state conducts a preliminary inspection of the site, the site is assessed and scored for its potential impact on human health and the environment.

2. NPL Placement

If the site poses a serious threat to the community, it is placed on Superfund's National Priorities List (NPL), a roster of the nation's worst waste disposal and hazardous substance spill waste sites. At any time during this process, EPA may conduct an emergency response action if the site becomes an immediate threat to public health or the environment.

3. Site Investigation

After the site is placed on the NPL, EPA and/or the state conducts a Remedial Investigation (RI). The RI is conducted to identify the nature and extent of contamination at the site.

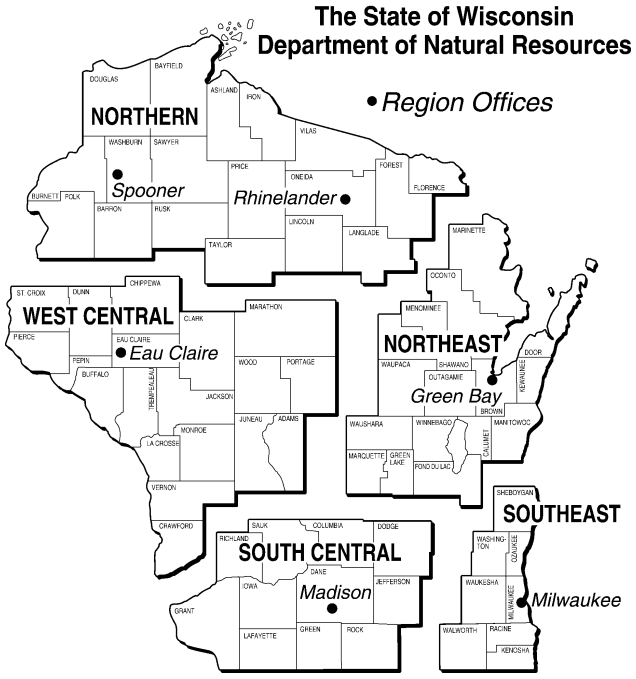
4. Feasibility Study (FS)

Based on the results of the Remedial Investigation, the Feasibility Study (FS) then evaluates the alternatives for addressing the contamination. If the PRPs can be identified and are willing to cooperate with EPA and/or the state, one or more of the PRPs may conduct both the Remediation Investigation and the Feasibility Study (RI/FS). All work done by the PRPs is closely monitored by state and federal agencies.

5. Public Comment/Final Remedy

After the RI/FS is completed and cleanup alternatives have been identified, the public is given an opportunity to comment on the proposed remedy. This is done through public meetings and a formal public comment period. After reviewing all public comments, EPA and/or the state then chooses the most appropriate remedy for the contaminated site. The selected final remedy is then designed and implemented by EPA, the state or those responsible for the contamination.

Superfund Sites In Wisconsin



DNR Northeast Region

1. Better Brite Chrome & Zinc – De Pere, Brown County
2. Lemberger Fly Ash Landfill – Whitelaw, Manitowoc County
3. Lemberger Transport/Recycling – Whitelaw, Manitowoc County
4. Schmalz Dump – Harrison, Calumet County
5. Algoma Landfill – Algoma, Kewaunee County
6. NW Mauthe Co. – Appleton, Outagamie County
7. Ripon FF/NN Landfill – Ripon, Fond du Lac County

DNR Northern Region

8. Ashland/NSP Lakefront Site – Ashland, Ashland County
9. Scrap Processing Inc./Potaczek – Medford, Taylor County
10. Penta Wood Products – Daniels, Burnett County

DNR Southeast Region

11. Amcast- Cedarburg, Ozaukee County
12. Delavan Municipal Well No. 4 – Delevan, Walworth County
13. Kohler Company Landfill – Kohler, Sheboygan County
14. Boundary Rd. Landfill – Menomonee Falls, WaukeshaCounty
15. Master Disposal Service Landfill – Brookfield, Waukesha County
16. Moss-American (Kerr McGee Oil) – Milwaukee, Milwaukee County
17. Muskego Sanitary Landfill – Muskego, Waukesha County
18. Sheboygan River and Harbor – Sheboygan, Sheboygan County
19. Hunts Disposal/Caledonia Landfill – Caledonia, Racine County
20. Waste Management of Brookfield – Brookfield, Waukesha County

DNR South Central Region

21. City Disposal Corp. Landfill – Dunn Township, Dane County
22. Janesville Ash Beds – Janesville, Rock County
23. Janesville Old Landfill – Janesville, Rock County
24. Oconomowoc Electroplating Co. Inc. – Ashippun, Dodge County
25. Stoughton City Landfill – Stoughton, Dane County
26. Hagen Farm – Stoughton, Dane County
27. Land and Gas Reclamation Landfill (f/k/a Hechimovich Landfill) – Williamstown, Dodge County
28. Sauk County Landfill – Exelsior, Sauk County
29. Madison Metro Sludge Lagoons – Madison, Dane County
30. Refuse Hideaway Landfill – Middleton, Dane County

DNR West Central Region

31. Eau Claire Municipal Well Field – Eau Claire, Eau Claire County
32. National Presto Industries – Eau Claire, Eau Claire County
33. Mid-State Disposal – Cleveland, Marathon County
34. City of Wausau Water Supply – Wausau, Marathon County
35. Spickler Landfill – Spencer, Marathon County
36. Onalaska Municipal Landfill – Onalaska, La Crosse County
37. Tomah Armory – Tomah, Monroe County
38. Tomah Sanitary Landfill – Tomah, Monroe County

Commonly Asked Questions About Superfund

1. Why is it called Superfund?
The Superfund law, also known as the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is a federal law passed by Congress in 1980.

Over its first five years, the federal government collected $1.6 billion in taxes from chemical and petroleum companies under CERCLA. This revenue was placed in a trust fund, commonly referred to as Superfund.

2. Why is Superfund needed?
There are many locations around the country where wastes have been improperly disposed or where toxic substances have spilled or leaked. A number of these sites are abandoned, with no one responsible for cleaning up the sites, and cleanup usually requires millions of dollars for each site.

3. Weren't some of these disposal sites or industrial operations approved by regulatory agencies?
Yes. Design of early disposal sites, including some industrial and municipal landfills, were often in compliance with standards used at that time. However, other factors need to be considered:

- more is known today on how and where to engineer waste disposal sites; unfortunately, some of this data was obtained because certain sites failed;
- there are many sites where unauthorized wastes were often disposed at sites not designed to contain them; also, sometimes landfill operators were unable to effectively monitor the volume of waste they received;
- in some cases, proper disposal and site closure methods were often not followed; and
- after closing, maintenance at the site was often not done by the owner(s).

4. How is revenue collected?
When Congress enacted CERCLA in 1980, it created a tax on the chemical and petroleum businesses. Revenue placed in the trust fund (Superfund) is used to clean up eligible sites.

In 1995, Congress allowed the tax on chemical and petroleum businesses to expire and the tax is no longer collected. Since 1995, general tax revenue has been used to fund the Superfund program. Congress has been considering reauthorizing the tax as part of comprehensive revisions to CERCLA.

5. Who are Potentially Responsible Parties (PRPs)?

Potentially Responsible Parties (PRPs) are individuals, businesses, transporters of wastes, communities, etc., who may have contributed to, or were responsible for, the contamination.

Recovery of clean-up costs can be sought from PRPs if they do not conduct the investigation and cleanup the sites themselves.

6. Where does money collected from PRPs go?

Money obtained from PRPs by negotiation or through court judgment is returned to Superfund. These funds can then be used to pay for cleanups at one or more Superfund sites.

7. Who administers Superfund?

Superfund is administered by the U.S. Environmental Protection Agency (EPA). The Wisconsin Department of Natural Resources (DNR) coordinates the state's involvement in Superfund and has entered into cooperative agreements with EPA to run parts of the Superfund program.

Wisconsin's Department of Health and Family Services (DHFS) also participates in the program. Health and Family Services is responsible for determining if there are any health threats posed by the site.

8. What types of response actions does Superfund authorize?

Superfund authorizes two response actions:

1. Removal Actions. Removal Actions are used when health or environmental threats exist and removal or containment must be done promptly. Typical removal actions include removing drums and/or contaminated soil, or providing alternative sources of drinking water to a community. Removal actions are the largest number of Superfund-related actions.
2. Remedial Actions. Remedial actions are longer term, more comprehensive clean-up actions. Remedial Actions may include treating contaminated soils, pumping and treating groundwater over a number years, containing contamination by capping (i.e. covering the contamination), or a variety of other technologies.

9. How are Superfund sites found?

Superfund sites are found by many methods, including information supplied by states and solid waste haulers. Citizens can also send a petition to EPA and ask the agency to investigate a site they believe is a potential Superfund site.

10. What system is used to determine if a site qualifies as a Superfund site?
A site qualifies as a Superfund site through a scoring system. Scoring involves looking at a whole range of factors, including toxicity, impact on a municipal water supply, danger to the public and environment, and contaminant movement from the site.

The presence or absence of these factors result in a specific score. This score is know as the Hazard Ranking Score (HRS).

11. How is the Hazard Ranking Score Used?
The HRS is used to create the National Priority List (NPL). An HRS score above a certain number – currently set at 28.5 – qualifies a site for the NPL. However, the HRS score does not guarantee that a site will be placed on the NPL, though a site must be listed before EPA can begin any activities using Superfund money.

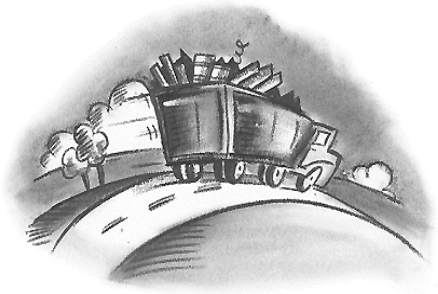
12. Besides scoring a site, how else can a site get on the NPL?
A site can get on the NPL two other ways. The first is for a state to name a site as its top priority. The other way requires a site to meet all three of the following criteria:

1. the U.S. Department of Health and Human Services has issued a health advisory recommending that people be removed from the site to avoid exposure;
2. the EPA determines that the site represents a significant threat; and
3. the EPA determines that remedial action is more cost effective than removal action.

13. How many Superfund NPL sites are found in Wisconsin?
As of July 2005, 38 sites in Wisconsin are on the Superfund NPL. More sites are being investigated in the state for potential inclusion on the NPL. However, getting a site listed on the NPL can be a lengthy process.

14. Who leads clean-up activities at Wisconsin Superfund sites?
Either EPA or the state can be the lead agency. The DNR has assumed the lead role at some of the Wisconsin Superfund sites. The EPA has kept oversight in all cases and the state must follow National Contingency Plan (NCP) requirements in order for the site to be removed from the NPL.

15. After a site is listed, what is the next stage in the process?
After a site is listed on the NPL, a Remedial Investigation and Feasibility Study (RI/FS) is started. The RI/FS is a portion of the Superfund process which provides an overall picture of the contaminants and the risks they pose, as well as the techniques most likely to correct the problems at the site.
The Remedial Investigation (monitoring wells, sampling program, etc.) results in a definition of the nature and extent of the contamination problem.



Next, a range of alternatives for correcting conditions at the site is developed. These alternatives are further refined, summarized and evaluated in the Feasibility Study (FS). Developing this baseline information can take a long time depending on the size and complexity of the site.

16. What is the next stage after the Feasibility Study is complete?
The next stage is the selection of a remedy. The goal of the RI/FS phase is to establish a workable range of site-specific, clean-up options. The lead agency will then choose the final remedy, regardless of whether the PRPs are paying for the clean up or not. If EPA is the lead agency, the state's views are considered by the EPA in making the decision.

17. How does the public get involved/provide input in the Superfund process?
Public input is sought from the beginning of the Superfund process. Initial information may only involve updates on what is happening at the site, such as during the scoring stage. Later, the public will see documents and be invited to meetings which involve more active public input.

The process of selecting a remedy requires a public comment period. The public comment period is the opportunity for the community to discuss and comment on the RI/FS report and the proposed cleanup before EPA and DNR officials select the final remedy.

18. What happens when the EPA and DNR select a remedy?
Prior to the public comment period, the EPA and DNR will announce its preferred option for remediation. A public meeting is held to describe not only the agencies' preferred option, but all options considered.

Any member of the public can provide input on the preferred option or any of the other options. Written and oral comments may be presented. Public comments are recorded and later EPA and DNR respond to all public comments. Decision-makers will consider the comments received, and may alter cleanup decisions based on the comments.

19. What is/are the most important criteria that EPA looks at when making a decision on a preferred remedy?
Remedies must protect human health and the environment. Emphasis is on cost-effective, permanent solutions that use treatment or recycling rather than land disposal. Remedies must also comply with all applicable, relevant and appropriate federal and state standards. These standards basically cover water quality, air quality and solid and hazardous waste requirements.

20. Superfund requires that a written document called a Record of Decision (ROD) be prepared following the public comment period. What is the ROD?
The ROD is a legal and technical document which "tracks" the process and decision points which lead to the selection of a particular clean-up option. The ROD must certify that the remedy selection complies with CERCLA.

Included in the ROD is background information about the site, a summary of the clean-up goals, a summary of the clean-up alternatives considered, and an explanation of the rationale used to select the remedy.

21. What is the next step after a remedy has been selected?
The next stage involves the Remedial Design (RD) and Remedial Action (RA) steps. This is where the selected remedy is designed, constructed and operated.

22. What is the Remedial Design stage?
During this stage, specific plans and specifications for conducting the preferred remedy are finalized.

23. What is the Remedial Action stage?
The Remedial Action stage is the construction or implementation phase. The selected remedy is implemented and clean up of the site begins. The Remedial Action stage may include an "Operation and Maintenance" (O&M) period. The O&M step ensures that the implemented remedy performs as designed and is maintained until the cleanup is complete.

24. What happens after the site is cleaned up?
After the cleanup is complete, the site may be eligible for deletion from the National Priorities List (NPL). Long-term care of the site following cleanup is usually required.

25. How does a site get removed from the NPL?
The EPA consults with the state to determine whether one of the following criteria has been met:

1. responsible parties or other persons have implemented all appropriate response actions;
2. all appropriate, Superfund-financed responses under CERCLA have been implemented and no further response action by responsible parties is needed; or
3. a Remedial Investigation shows that the release no longer poses a significant threat to public health or the environment; therefore further remedial measures are not required.

In addition, compliance with all appropriate state and federal requirements and the conditions specified in the Record of Decision for the project must be met, and the state must concur with the proposed deletion from the list.

26. Does removal of a site from the NPL involve only the state and the EPA?
No. The deletion process is announced in the Federal Register, the U.S. government's formal notification document, and in a major local newspaper that has subscribers in the area where the site is located. A comment period of at least 30 days is provided. The EPA responds to each significant comment or new data received during the comment period. If the site is de-listed, these comments and responses are included in the final deletion package.

27. What happens if problems are discovered at a site which has been removed from the NPL?

Removal from the NPL does not preclude future cleanup actions. Sites that have been deleted from the NPL are still eligible for further Superfund-financed remedial action in the event that future conditions warrant. The site can be returned to the NPL without re-scoring under the Hazard Ranking System.

For more information about Superfund, please visit:

- EPA Superfund Site http://www.epa.gov/superfund
- DNR's Superfund Site http://dnr.wi.gov/topic/Brownfields/Superfund.html